

Introduced by Senator Scott

February 10, 2006

An act to amend Section 56836.21 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1275, as introduced, Scott. Special education local plan areas: nonpublic, nonsectarian school placements.

Existing law requires the State Department of Education to administer an extraordinary cost pool to protect special education local plan areas from the extraordinary costs associated with single placements in nonpublic, nonsectarian schools. Existing law excludes from reimbursement, cost of placements reimbursed pursuant to certain provisions of existing law relating to the placement of pupils in nonpublic, nonsectarian schools who reside in licensed children's institutions and certain other facilities. This bill would delete that exclusion. Existing law requires all claims for a fiscal year to be submitted by November 30 following the close of the fiscal year.

This bill would require claims to be submitted by January 30 following the close of the fiscal year.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 56836.21 of the Education Code is
- 2 amended to read:
- 3 56836.21. (a) ~~The State Department of Education~~ *department*
- 4 shall administer an extraordinary cost pool to protect special
- 5 education local plan areas from the extraordinary costs associated

1 with single placements in nonpublic, nonsectarian schools;
2 ~~excluding placements reimbursed pursuant to Article 3~~
3 ~~(commencing with Section 56836.16)~~. Funds shall be
4 appropriated for this purpose in the annual Budget Act. Special
5 education local plan areas shall be eligible for reimbursement
6 from this pool in accordance with this section.

7 (b) The threshold amount for claims under this section shall be
8 the lesser of the following:

9 (1) One percent of the allocation calculated pursuant to
10 Section 56836.08 for the special education local plan area for the
11 current fiscal year for any special education local plan area that
12 meets the criteria in Section 56212.

13 ~~(2) The State Department of Education~~ *department* shall
14 calculate the average cost of a nonpublic, nonsectarian school
15 placement in the 1997–98 fiscal year. This amount shall be
16 multiplied by 2.5, then by one plus the inflation factor computed
17 pursuant to Section 42238.1, to obtain the alternative threshold
18 amount for claims in the 1998–99 fiscal year. In subsequent
19 fiscal years, the alternative threshold amount shall be the
20 alternative threshold amount for the prior fiscal year multiplied
21 by one plus the inflation factor computed pursuant to Section
22 42238.1.

23 (c) Special education local plan areas shall be eligible to
24 submit claims for costs of any new nonpublic, nonsectarian
25 school placements in excess of those in existence in the 1997–98
26 fiscal year and exceeding the threshold amount on forms
27 developed by the ~~State Department of Education~~ *department*. All
28 claims for a fiscal year shall be submitted by ~~November~~ *January*
29 30 following the close of the fiscal year. If the total amount
30 claimed by special education local plan areas exceeds the amount
31 appropriated, the claims shall be prorated.